



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|-----------------------|------------------|
| 10/748,485 | 12/30/2003 | Jon Arthur Roepke | 9D-HL-25191 | 8742 |
| 7590 | | 09/27/2007 | | |
| John S. Beulick | | | | |
| Armstrong Teasdale LLP | | | | |
| Suite 2600 | | | | |
| One Metropolitan Square | | | | |
| St. Louis, MO 63102 | | | | |
| | | | EXAMINER | |
| | | | RIGGLEMAN, JASON PAUL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1746 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,485

Applicant(s)

ROEPKE ET AL.

Examiner

Jason P. Riggleman

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-12 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☒ Other: Foreign reference.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/2007 has been entered.

Status of Claims

2. Applicant's amendment, filed 6/18/2007, is acknowledged. Current pending claims are 1, 3-7, 9-25. Claims 13-24 are withdrawn from examination. Claims 2 and 8 are cancelled. Claims 1, 3-4, 7, 9-10, and 25 are amended.

3. It should be noted that the applicant is arguing that the prior art does not teach "an additive dispensing system configured to deliver diluted additive to an annular space defined between a tub and a basket such that the additive is not directly applied to the articles within the basket". However, the applicant has not claimed this detail nor a structure that requires this; therefore, this argument has no weight. It is suggested that the applicant claim this detail – especially the structure of the dispenser as shown in Fig. 2 of the specification to overcome the rejections.

Remarks

4. For purposes of examination, "top cover" in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant's specification, paragraph

[0022], Fig. 3. This assumption was confirmed as correct in the applicant's reply filed on 3/19/2007.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "plurality of tabs engaging a top cover of the washing machine forming an opening" is not understood. For purposes of examination, this is assumed to be -- an opening is present in the assembled reservoir cover-top cover.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 6-7, and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Platt et al. (US Patent No. 4467627).

9. Platt et al. teaches an additive dispensing system for a washing machine including a tub 14, for holding wash liquid, and a basket 16, for holding articles to be washed, Fig. 4. An annular space is defined between the tub and the basket. A conduit (line 62) is coupled to the reservoir 52 and extends into the annular space. The conduit

Art Unit: 1746

provides fluid communication between the reservoir and the annular space. The additive dispensing system includes a top cover (funnel member 70); a reservoir "removably coupled" to the top cover; a water valve is (pump valve) coupled to reservoir; and a controller coupled to the water valve (pump valve) and configured to control the water valve to introduce water into the reservoir through the conduit to initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 1, Lines 45-70)(Column 6, Lines 15-25). The top cover includes an opening (top fill opening) which is in fluid communication with the reservoir for introducing additive into the reservoir, Fig. 2.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Vona, Jr. et al. (US Patent No. 4160367).

12. Je teaches an additive dispensing system for a washing machine 1 including a tub 5, for holding wash liquid, and a basket 6, for holding articles to be washed. The additive dispensing system includes a top cover 30. A reservoir 40 is removably coupled to the top cover 30, Fig. 2. A plurality of tabs 37 extend from the top cover 30, Fig. 4. The plurality of tabs engage a top cover 20 of the washing machine 1 to couple

Art Unit: 1746

the reservoir cover 30 to the top cover 20. An opening 33 is present in the reservoir cover 30 and an opening is present in the top cover 20, Fig. 3 which remains after assembly of the two components.

13. Je does not teach a controller configured to control the water valve; however, Vona, Jr. et al. teaches a water valve 150 (solenoid valve) coupled to reservoir 62; and a controller 156 coupled to the water valve 150 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 5, Lines 49-70). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je with Vona, Jr. et al. to create a washing machine with a programmed control of additive dispensing to achieve the expected result.

14. Claims 1, 3-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Vona, Jr. et al. (US Patent No. 4160367) and Olding (US Patent No. 3118297).

15. Je teaches an additive dispensing system for a washing machine 1 including a tub 5, for holding wash liquid, and a basket 6, for holding articles to be washed. The additive dispensing system includes a top cover 30. A reservoir 40 is removably coupled to the top cover 30, Fig. 2. A plurality of tabs 37 extend from the top cover 30, Fig. 4. The plurality of tabs engage a top cover 20 of the washing machine 1 to couple the reservoir cover 30 to the top cover 20. An opening 33 is present in the reservoir cover 30 and an opening is present in the top cover 20, Fig. 3 which remains after assembly of the two components. An annular space is defined between the tub and

Art Unit: 1746

basket. The reservoir is emptied by a siphon tube (siphon pipe 43). The reservoir includes a removable cover coupled the top cover 20 and the conduit comprises a siphon -- siphon cap 50 and siphon pipe 43, Fig. 8. The reservoir includes an overflow port 48. The top cover includes an opening therethrough, with the opening in fluid communication with said reservoir for introducing the additive into said reservoir. The siphon tube empties through the pass station 65 and through a through-hole 68 to be dropped into the intervening space of the washing tub and water tank (English Machine translation of Je (Korean Publication No. KR2003055965)).

16. Je does not teach a controller configured to control the water valve; however, Vona, Jr. et al. teaches a water valve 150 (solenoid valve) coupled to reservoir 62; and a controller 156 coupled to the water valve 150 (solenoid valve) and configured to control the water valve to introduce water into the reservoir 62 and initiate delivery of the diluted additive at a predetermined time during the wash cycle (Column 5, Lines 49-70). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je with Vona, Jr. et al. to create a washing machine with a programmed control of additive dispensing to achieve the expected result.

17. Je, as modified by Vona, Jr. et al. does not teach a conduit extending into the annular space; however, Olding teaches a conduit 86 which extends into the annular space between a basket and tub, Fig. 3. The conduit is advantageous for adding a bleaching agent without damaging clothing (Column 3, Lines 10-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je,

Art Unit: 1746

as modified by Vona, Jr. et al., to create a washing machine bleach dispenser which further limits the possibility of damage to clothing by undiluted bleach addition.

18. In regards to claims 4 and 10, Je, as modified by Vona, Jr., as modified by Olding, does not teach a siphon tube coupled to the removable (reservoir) cover; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle*, 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified by Vona, Jr., as modified by Olding, to make the siphon caps integral with the removable cover to achieve the expected result of stably positioning of the siphon caps on top of the siphon pipes.

Response to Arguments

19. Applicant's arguments with respect to claims 1, 3-7, 9-12, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

20. Applicant's amendments to claims 3-4, 9-10, and 25 are sufficient to overcome the previous 112, second paragraph, rejections of the claims. These rejections are withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.


Art Unit: 1746

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman
Examiner
Art Unit 1746

JPR

A handwritten signature in black ink, appearing to read 'Michael Barr', with a large, sweeping underline.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER